

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Meir Rosenberg et al.

Application No.: 10/656,600

Filed: September 5, 2003

Entitled: IMPLANTABLE PUMP WITH  
ADJUSTABLE FLOW RATE

Docket No.: 22719-44

Group Art Unit: 3763

Examiner: Christopher Koharski

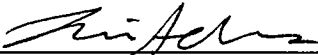
Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being electronically filed via EFS-Web to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

August 28, 2006

Date of Signature and Mail Deposit

By:



Lisa Adams, Reg. No: 44,238  
Attorney for Applicant(s)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

This communication is in response to the Office Action dated August 9, 2006.

The Examiner requires restriction of the above-referenced application to one of the following inventions:

- I. Claims 1-10, drawn to a valve for use in an implantable pump;
- II. Claims 11-23, drawn to an implantable drug delivery device; and
- III. Claims 24-32, drawn to controlling the flow rate of a fluid.

Applicants elect the Group II claims (claims 11-23). Accordingly, claims 1-10 and 24-32 are withdrawn from consideration.

The Examiner further requires election of one of the following "patentably distinct" species:

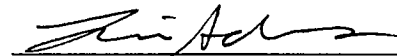
- A. Figures 1A and 1B; and
- B. Figure 2.

The Examiner submits that no claims are generic.

Applicants elect Species A, Figures 1A and 1B. Claims 11-19 and 23 are generic to all species. Claims 20-22 read on the elected species. Accordingly, no addition claims are withdrawn from consideration.

In sum, claims 11-23 are subject to examination, and remaining claims 1-10 and 24-32 are withdrawn from consideration. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,



Lisa Adams, Reg. No. 44,238  
Attorney for Applicant(s)

Date: August 28, 2006

Nutter McClennen & Fish LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210  
Tel: (617)439-2550  
Fax: (617)310-9550